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FEATURES OF AMERICAN SLAVERY.

IT has been said that when domestic servitude was grafted by the mother country upon her branching colonies in America the last vestiges of hereditary slavery had faded from the social institutions of England, while in France the Third Estate had petitioned for "the emancipation of every serf in every fief."[1] Liberal ideas were making their way throughout Europe, and ancient class distinctions were yielding to the almost imperceptible progress of a rising democracy. By a series of events and causes, which need not be detailed, African slavery, after having been firmly planted in our soil, gradually disappeared in some communities; in others, it attained a remarkable degree of development, and renewed, to some extent, customs and institutions which had for a long time been mouldering in the dusty closets of mediæval Europe. Often, indeed, a study of this phase of American history carries one even further back than the period commonly known as the Middle Ages, for — certainly from the stand-point of jurisprudence—there is much to suggest Roman ideas to one who examines the old slave codes of the United States.

It is noteworthy that, wherever slavery lasted longest in America, the community was invariably devoted to agriculture. This fact would itself suggest a comparison between feudalism and slavery; and if the former, viewed from a political stand-point, be defined as the system which made the owner of a piece of land the sovereign of those who dwelt upon it,[2] the same thing may practically be said of that form of slavery which has affected our national life most immediately. To the differences of class in the former, however, arising out of an inequality in wealth and power, there was in the latter added a difference of race. The seeds of

[1] Bancroft, 6th edition. Vol. I., p. 176.

[2] Bryce: Holy Roman Empire. 6th Edition, p. 123.

a caste system were thus early sown, and the growing years witnessed their full fruition everywhere. The lord was usually a white man, his vassal a black man. It is this fact that makes the type of slavery that existed in America so unlike any other form of slavery, ancient or modern. It was this which rendered its extermination so difficult, and closed the doors of the higher ranks to the freedmen who had been liberated under some of the various forms of manumission. "The slave among the ancients," says DeTocqueville, "belonged to the same race as his master, and he was often the superior of the two in education and instruction. Freedom was the only distinction between them; and when freedom was conferred, they were easily confounded together." In so far as identity of race goes, the same may also be said of the serfs of later Europe. For the most part, they were of the same stock as their lords, and "the vestiges of servitude" naturally disappeared when the shackles of bondage were removed.[1] One who was, however, of a different race and color from his owner—even when given his freedom—transmitted to all his descendants the unmistakable stamp of bondage.[2] As a natural consequence of this difference of race and color, there arose in the slave communities three classes of persons—namely, the citizens or whites; the "free persons of color," or those blacks who were not in bondage; and the slaves. This division of society, while nominally based upon color, in many respects found its prototype in the early divisions of Anglo-Saxon society. The citizen, for example, was not only a white man: he was one who was not a negro. In other words, the mere description of a person became the division of a class. "The term white ('free white man') used in our [South Carolina] constitution," says O'Neall, "is comparative, merely; it was intended to be used in opposition to the colors resulting from the slave blood. When is the descendant of the Indian to be regarded as white? Is it that he is not to be so regarded,

[1] DeTocqueville: American Institutions, with notes by Spencer, pp. 360–1. [2] *Ibid.*

until a jury shall find him to be white, on account of the great preponderance of white blood? But the Indian blood, like that of the white, is the blood of freedom; there is nothing degrading in it, and hence, therefore, the Indian and his descendants may well claim to be white, within the legal meaning of our constitution."[1] Him, however, whose complexion was

The shadow'd livery of the burnish'd sun

the law presumed to be a slave. The blood of the negro was *prima facie* evidence of slavery, and the burden of proof was cast upon him to prove his freedom.[2] If he succeeded in establishing his title to freedom, he became a "free person of color." And here also we find that the words "free person of color" were the evident designation of a class.[3]

In a society so constituted it is not surprising to find that all political power was vested in the citizens, or whites. The idea—borrowed from England—also early obtained that the ownership of land should be the qualification for exercising the elective franchise. Slave-holding was, by some States, made the prerequisite of a seat in the legislature, as for example, by the Constitution of South Carolina, adopted in 1790, it was provided that no one was eligible to the lower branch of the General Assembly who, if a resident of the district, was not possessed of a freehold of five hundred acres and ten negroes. Ownership of slaves was not required of condidates for the Senate, or of candidates for the office of Governor.[4] There naturally grew up in all slave States, moreover, two kinds of slave-holders. There was the great slave owner—the owner of hundreds of slaves—whose acres of land were measured by thousands. This was the planter. And there was the farmer, who owned but few slaves, and only a few hundred acres of land. Beneath both planter and farmer were the "poor whites" who owned

[1] Negro Law of South Carolina. By John Belton O'Neall, p. 8.
[2] *Nelson* v. *Whetmore.* 1 Rich. (S. C.) R., p. 318.
[3] *Ex parte Ferrett and others,* 1 Con. R. (S. C.) 194.
[4] Constitution of 1790, Article I., sections 4–8.

neither slaves nor land—and very little property of any description.

The gradual introduction of the great staples, rice, cotton, and tobacco, arrested in the Southern States any lasting movement toward a general emancipation, while the demand for those products caused the clearing of new lands, and a large increase in the slave population. The planter class was therefore frequently augmented by the farmer class; but the condition of the "poor white" grew even more desperate, for it was impossible for him to compete with slave labor. Meanwhile slavery was elsewhere succumbing. As early as 1774 Rhode Island had provided for its gradual extinction; a similar provision was made by Pennsylvania in 1780, while four years later New Jersey and Connecticut began to rid themselves of the incubus. New Hampshire and Vermont abolished it by their State constitutions, and, about the beginning of the present century, New York began to emancipate her slaves. Massachusetts had already prepared the way for universal freedom.[1]

"The simple wish," says Sir Henry Maine, "to use the bodily powers of another person as a means of ministering to one's own ease or pleasure is doubtless the foundation of slavery, and as old as human nature."[2] The same author points out how the almost unconscious compunctions of man force him to adopt some sort of defense for the existence of slavery. The Greeks, for example, "explained the institution as grounded on the intellectual inferiority of certain races, and their consequent natural aptitude for the servile condition. The Romans, in a spirit equally characteristic, derived it from a supposed agreement between victor and vanquished, in which the first stipulated for the perpetual services of his foe; and the other gained in consideration the life which he had legitimately forfeited."[3] Such theories were plainly unsound, nor did they really account for the

[1] Kent's Com. Lec. xxxii.

[2] *Ibid.* [3] Ancient Law. First Am. Ed., pp. 158-9.

existence of slavery in Greece or Rome. Yet they salved the conscience of the slave owner, and beyond a doubt sunk the slave lower and lower in the scale of humanity. In the Middle Ages inequalities in social rank—save possibly in the Church—were too generally recognized to admit of much discussion. In England, however, the villein was in the eye of the law a villein only in relation to his lord.[1] The villein, however, of the very lowest type, was vastly better off than the slave of the ancients, or the slave in America, for to all persons other than his lord, he was a freeman. Indeed, it has been the just boast of Englishmen that true slavery could not exist in England because the atmosphere was "too pure for a slave to breathe in." It therefore came about that the leading legal principles applicable to property in slaves were borrowed from the civil law. The English common law knew nothing of it. A few leading cases on this subject will serve to illustrate the development of these principles of the Roman law. The slave, for example, was deemed the personal property of his owner. The consequences of this rule were very far reaching, because, instead of becoming *adscriptus glebæ*, the American slave was liable to all the vicissitudes and transportations of other personal property. It was once suggested, however, in South Carolina, that the slaves should be annexed to the freehold of their owners, and that when sold "for partition among distributees, tenants in common, joint tenants and coparceners," they should be sold with the freehold. But this idea was never carried into effect.[2] We thus see another leading distinction between American slavery and European feudalism. Under the latter system, the serfs, being for the most part annexed to the freehold, enjoyed all the advantages naturally arising from fixed abodes, not the least of these being family life; but the slave was denied all of these advantages. The fixed, hard rules of the Roman law bound him closely to his owner. For example, Bouvier's Law Dictionary for 1854

[1] Kent Com. Lec. xxxii. [2] Negro Law of South Carolina. O'Neall 1–18.

thus defines a slave: he is "a man who is by law deprived of his liberty for life, and becomes the property of another." He had no political rights, and very few civil rights.[1] He could make no contracts unless specially authorized by law.[2] As a natural consequence, he could—strictly speaking—hold no property. *Quicquid acquiritur servo acquiritur domino* was a maxim that was well-nigh supreme.

The laws of the various States differed, of course, in regard to the regulation of the subject of slavery. Local regulations, moreover, changed from time to time. In Louisiana it was the law that slaves should descend as real estate; and to some extent they were by the law of Kentucky regarded as realty.[3] In most of the other States slaves were classed in the law of property as personalty, while in Georgia, and the newer State of Arkansas, property in slaves was protected by the constitution.[4] In leaving the plantation or town where he resided, the slave was required to have a pass, and unless he did have such a license, any white man finding him in the highway was authorized to apprehend and chastise him. Unlike the villein, the slave was a slave in relation to all the world. He could not marry, he could not buy or sell; nor could he keep for his own use any boat or canoe, or breed any horses or cattle.[5] He could not, on his own account, hire any room, or house, or plantation. Nor was he able, without the permission of his owner, to use or carry any weapon, burn grass or brush, hunt game, or brand cattle.[6]

As in ancient days, a special apparel was prescribed for the slave. In South Carolina, for example, he was forbidden to wear any goods finer than osnaburgs, calicoes, kerseys, or checks.[7] Notwithstanding the restrictions on the subject, the slave enjoyed a quasi right of property recalling the *peculium* of the Roman slave. He could, for instance, acquire and hold personal property by the consent of his master, on

[1] Bouvier's Law Dictionary. [2] *Ibid.* [3] Kent *Com.* xxxii. [4] Kent *Com.* Lec. xxxii. [5] James' Digest, p. 385. [6] *Ibid.* [7] James' Digest, p. 388.

the theory that what belonged to the slave was the property of his master.[1] The slave was also frequently allowed his "patch," and in many instances could raise his own poultry, hogs, and sometimes cattle. His property was always liable to seizure and forfeiture, for there was no security whatsoever for it. Even where a slave sailor had braved the perils of the sea, made a rescue, and received the reward for it, the salvage was not his.[2] In this particular case, the money went to the hirer of the slave, and not to his owner. Where property, however, had been seized as belonging to a slave, an action would not lie against the owner of the slave for taking the property away from the captor.[3] The latter was authorized to bring a civil suit against the slave's owner for the value of the property.[4] Such provisions, scanty as they may appear, protected, to some extent, both owner and slave from the cupidity of others.

Although the marriages of slaves were not recognized by the law, there was developed a quasi recognition of the marital tie which was always considered morally good. Following the rules of the Roman law, it was a part of the American slave law that the offspring followed the condition of the mother.

Slaves were subject to road and bridge duty; but no slaves were required to be sent to work any road unless it passed within ten miles of the plantation where they were employed for the greater part of the year.[5] Slaves were also frequently employed in the militia, but mainly for menial purposes The number of hours slaves were worked each day seems to have depended upon the season of the year and the nature of their work. To a large extent also, the time and manner of their employment depended upon the humanity of their owners. From March 25th to September 25th—the

[1] Negro Law of South Carolina, p. 25.
[2] *Gourdin* v. *West and Robertson*, 11 Richardson, p. 288.
[3] *The State* v. *Mazyck*, 3 Richardson, p. 291.
[4] *Howard* v. *Mazyck*, *Ibid*, p. 293.
[5] Road Law of South Carolina, pp. 13–28.

busiest season for those engaged in agricultural pursuits—owners were, in some States, forbidden by statute, to work their slaves for more than fifteen hours each day. It is said that few owners employed their slaves for more than twelve hours a day during the busy season, and ten hours for the rest of the year.[1] The law required owners of slaves to furnish them with sufficient food, covering, and clothing.[2] Where this requirement was not complied with, any person was authorized by statute to make complaint, on behalf of the neglected slave, to the nearest justice, who thereupon summoned the accused slave-holder to appear before him. The accused, however, could always exculpate himself by his own oath, unless positive evidence was given to the contrary, in which case a fine was imposed. What kind or quality of food was sufficient appears to have been left to custom. In one case animal food was held to be necessary and customary.[3] It was declared in the same case that a quart of meal per day was insufficient for the daily support of a grown slave.[4] The fee of the sheriff, moreover, for dieting negroes confined in jail, was twenty-five cents per diem, for each of such prisoners, while for white prisoners it was twelve cents more.[5] On one occasion, the court, in commenting upon the law requiring owners to furnish their slaves with food and clothing, declared the provision to be "salutary, even more by the opprobrium which follows a conviction, than by the penalties of its violation."[6] "Public opinion," it was added, "derives force from its sanction; and the rapaciousness of the owner from its active interference."[7] An owner of slaves was held bound to furnish his slaves with medicine when it was required. "The slave," declared the court, "lives for his master's service. His time, his labor, his comforts, are all at his master's disposal. The duty of humane treatment, and of medical assistance, when clearly necessary, ought not to be withholden."[8] Woe to the person,

[1] Negro Law of South Carolina, p. 21. [2] James' Digest, p. 389.
[3] *The State* v. *Bowen*, 3 Strobh. 574. [4] *Ibid.*. [5] James' Digest, 389.
[6] *The State* v. *Bowen*, *ante*. [7] *Ibid.* [8] *Fairchild* v. *Bell*, 2 Brevard, 129.

however, who endeavored to entice a slave from the house of his owner, or who harbored what was known in the terminology of the day as a "runaway" Not only was such an one severely dealt with, but the fleeing slave himself was heavily punished. Indeed, the word "runaway" became a by-word, as well as a terrible means of frightening disobedient children—a veritable black man lurking in the gloom of the forests, ready to pounce upon a recalcitrant boy.

At an early period the ancient distinction naturally arose between the domestic slaves and those who were employed in cultivating the soil. This latter class was known as "field slaves" or "field hands." Employed in towns and about the dwellings or premises of their owners, the domestic slaves fared far better than their less fortunate brethren who worked on the plantation or farm. The housemaid, the cook, the butler, the seamstress, the carriage driver, the blacksmith, the carpenter, and the gardener, by constant association with the whites, acquired an education that was denied the field slave, and often by reason of the owner's attachment were saved from transportation to the distant West or Southwest. It was this training—meagre as it was—that prepared the domestic slave to be the leader of his race when bondage was exchanged for freedom.

The slave had no surname. If Henry, for example, was the slave of "Colonel" White, he was known as "Colonel" White's Henry, and in case several slaves living on the same plantation bore the same name, it was customary to distinguish them by adding to their first name some distinguishing physical characteristic. It was "Yellow" Henry and "Black" Henry; "Big" Tom and "Little" Tom. The only case in which a slave could bring an action was in a suit to test the question of his freedom, and then he was obliged to sue by guardian.[1] It would be easier to tell what the slave could do than to tell what he could not do, for he labored

[1] *Susan, a free person of color* vs. *Wells.* 3 Brevard, 11.

under almost total disabilities. It would seem, however, that often the severer penalties attached to the offenses of slaves or of those who were inclined to soften the rigor of their lot, were enacted more in the nature of an intimidation than with a view to executing them to the letter. Wherever slavery existed, for example, it was made a grave crime for a bondsman or free person of color to strike a white man, and a very serious crime for him to use "provoking language" to one not a negro. "If any negro, or mulatto," declared the Mississippi Code, "bond or free, shall, at any time use abusive or provoking language to, or lift his or her hand in opposition to any person, not being a negro or mulatto, he or she so offending, shall, for every such offense, proved by the oath of the party, before a justice of the peace of the county or corporation, where such offense shall be committed, receive such punishment as the justice shall think proper, not exceeding thirty-nine lashes on his or her bare back, well laid on, except in those cases where it shall appear to such justice, that such negro or mulatto was wantonly assaulted, and lifted his or her hand in his or her defense."[1] In Mississippi it was further provided that slaves found guilty of felonies not punishable by death could be burnt in the hand by the sheriff, and suffer such other corporal punishment as the court thought fit to inflict.[2] The following was the punishment provided by the Code of Mississippi for perjury on the part of a slave: "One ear nailed to the pillory, and there to stand for the space of one hour, and then the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour."[3] Petty crimes were usually visited by corporal punishment. In case of the execution of a slave, his value was assessed, and part of the money paid to his owner and part to the person injured by the felony—provisions which take us back to Anglo-Saxon days when the wer-geld was given a murdered man's kinsmen.

Can there be found a sadder aspect of American slavery

[1] Miss. Code (1848). [2] *Ibid.* [3] *Ibid.*

than the universal provisions against instructing those held in bondage? Here, again, we find the evil results gradually engendered by the vain attempts to perpetuate servitude—the folly of endeavoring to uphold by statutes a social anachronism. Aside from various police regulations restricting the movements of slaves at night, these black serfs enjoyed a considerable amount of personal freedom as far as locomotion went. No chains and shackles clanked about the plantation as they did in ancient times. A far more effective means of inthralment was devised in the shape of those laws that forbade the imparting of any sort of knowledge to a bondsman. The American slave-holder early learned that fetters were superfluous where ignorance was supreme. It seems that at first there was no serious opposition to teaching a slave how to read; but by and by, when the first abolitionist leaflets began to inveigh against this anomalous kind of property, the law-makers commenced to add to the slave codes statutes which sought to prevent the education of the slave. But in spite of these restrictions, the impulses of humanity not infrequently triumphed over the reactionary provisions of the slave statutes. "The best slaves in the State" [South Carolina], declared the spotless O'Neall, "are those who can and do read the Scriptures. Again, who is it that teach your slaves to read? It generally is done by the children of the owners. Who would tolerate an indictment against his son or daughter for teaching a favorite slave to read? *Such laws look to me as rather cowardly.* It seems to me as if we were afraid of our slaves. Such a feeling is unworthy of a Carolina master."[1] Especial force seems to have been attached to the laws against teaching a slave to write. This latter restriction apparently aimed at the prevention of communication on the part of the slave with people at a distance. His reading appears to have been confined to the Bible. In this connection it may be mentioned that in 1831, an amendment to the slave law of Mississippi contained the following

[1] Negro Law.

section: "From and after the passage of this act, it shall not be lawful for any slave, free negro, or mulatto, to exercise the functions of a minister of the gospel, under the penalty of thirty-nine lashes: *Provided*, That it shall be lawful for any master or owner to permit his slave to preach upon his own premises, but not to permit any other slaves but his own to assemble there on such occasions." [1] In some communities it was customary to allow the slaves on Sunday afternoons the use of the church of the whites, and most churches had galleries or special seats for the blacks.

An owner did not possess the power of life and death over a slave, nor could he legally inflict cruel punishment on him. "No cruel or unusual punishment shall be inflicted on any slave within this State," declared the Code of Mississippi. "And any master," it continued, "or other person, entitled to the service of any slave, who shall inflict such cruel or unusual punishment, or shall authorize or permit the same to be inflicted, shall, on conviction thereof, before any court having congnizance, be fined, according to the magnitude of the offense, and at the discretion of the court, in any sum not exceeding five hundred dollars, to be paid into the treasury of the State, for the use and benefit of the literary fund." [2]

Slaves were in some States tried in a manner different from that in the case of an accused white man, and there were in South Carolina special tribunals—called freeholders' courts—for the trial of the blacks. Heavy penalties were inflicted on white persons attending unlawful meetings of slaves and free negroes, or trading with them without permission. Laws recalling the old English abhorrence of petty treason were also in force almost everywhere, and any slave who murdered, or tried to murder, his owner, was, on trial and conviction, put to death—sometimes with great severity.[3]

[1] Mississippi Code, 1848. [2] *Ibid.*

[3] Essays in the Constitutional History of the United States. Edited by J. Franklin Jameson. Essay on The Status of the Slave. By Dr. J. R. Brackett. Pp. 262—311.

The only cases in which a black could be a witness was where one of his own race—bond or free—was being tried. It is curious to note that the status of the slave was strikingly similar in all of the colonies down to about the time of the Revolution, when the principles of the rights of man were in some communities—notably in the New England States—extended either by statutes or decisions to the blacks. This was also done in Hayti after the French Revolution. Where slavery received a fresh impulse, however, there either remained on the statute books or were added to them provisions that for the most part obtained elsewhere a century earlier. For example, where a negro man and woman were found guilty at Cambridge, Massachusetts, in 1755, of poisoning their owner, "the man was drawn to the place of execution, hanged, and his body exposed on the gibbet; and the woman was drawn and bound at the stake." [1]

In New York, before emancipation became general, a slave "who got drunk, or cursed, or talked impudently to any Christian," received a whipping. Slaves in New Jersey and Pennsylvania, in the eighteenth century, could not wander over five or ten miles from home without being lashed, while in Delaware there were special courts for the trial of heinous offenses committed by slaves.[2] These facts suggest some interesting questions. Were not, for example, those communities in which slavery held out longest in America simply a type, in many respects, of the American community as it existed prior to the revolution? To what extent was the status of the slave altered by the increase in the size of the plantations after the opening up of the Southwest? Investigations along these lines would doubtless throw much light upon one of the most remarkable elements of our national history.

There is no more interesting phase of slave legislation than the many police regulations which were provided for the government of the blacks. Take, for example, the pa-

[1] The Status of the Slave. Dr. Brackett. *Supra.* p. 269. [2] *Ibid.*

trol. It was the duty of the patrol to apprehend all slaves found wandering about at night without passes, and either put them in the "guard-house," or turn them over to their owners. This "guard-house" was, in a measure, a dungeon for slaves, and to some extent suggests the *ergastulum* of Rome. A characteristic old plantation melody thus describes the very natural aversion of the negro for both patrol and "guard-house:"

> "Run, nigger, run, de patterrole 'll ketch yer;
> Run, nigger, run, hit 's almos' day!
> Some fokes say niggers won't steal;
> But I caught seben in my corn fiel':
> Run, nigger, run," etc.

The manner in which a slave could be emancipated varied in different States; and nothing more forcibly illustrates the deep, silent, and possibly general fear on the part of the whites of the existence of a large population of free persons of color than the steady opposition to emancipation. It was early decided that baptism did not enfranchise. As slavery advanced, it became more and more difficult for the owner to free a slave, or for the slave to acquire his freedom. In South Carolina, for example, down to the year 1820, emancipation could take effect by the voluntary dissolution of the bonds of servitude by the owner, by deed, by will, and some times by prescriptive right. A slave was also able to hire his own time and buy his redemption as well as that of his relatives. In 1820 an act vested the right of emancipation in the legislature. An owner, however, who wished to set a slave free did not always wait for the uncertain action of the law-making power, but resorted to the subtleties of uses and trusts. The general methods of emancipation, however, were by deed, by will, by legislative enactment, and by the removal of the slave, with the consent of the owner, to a State where slavery was forbidden.[1]

The question of status was one which often arose. In the first place, a culprit who was a slave was tried in a different

[1] Bouvier.

tribunal, in some States, from the one in which white people were tried. On this very point of the claim to freedom a curious comparison was instituted between the American slave and the English villein. An effort was made in South Carolina to invoke the aid of the writ *de homine replegiando* in behalf of a negro who claimed to be deprived of his freedom unlawfully; and it was urged that he could, like the villein in such a case, enjoy his freedom *pendente lite*—while under the statutory provision the claimant remained in *statu quo*. The court held, however, that a negro in the possession of a white man was presumed to be a slave, and that a villein, who sought to establish his freedom by the old writ, was obliged to give bond, ergo, it was better for the negro to follow the provision of the legislature.[1]

When the negro was emancipated, he became a "free person of color." While this class did not labor under the same disabilities that bore so hard upon the slave, its members did not everywhere enjoy all the civil rights of white persons. The "free person of color" could make contracts, he could marry, he could have a surname, he enjoyed the privilege of the writ of *habeas corpus*, and he was protected in the enjoyment of the personal rights of citizens. In some States he could even vote. Sometimes he owned slaves. As a rule, however, the "free person of color" was made to feel that he neither belonged to the class of citizens nor need hope to become one. As slavery fastened itself more deeply in the body politic, the "free negro" became more and more unpopular, when, even to a slave, "free nigger" and "poor white trash"—the black man with liberty and the white man without money—became synonyms of all that was bad. In some States the free person of color was required to move elsewhere, or run the risk of being sold. An extract from the Code of Texas of 1857 will illustrate this point. Some of the provisions read as follows:

"Article 906. A person of color is one who has at least one-fourth African blood.

[1] *Huger* vs. *Barnwell*. 5. Richardson, 274.

"Art. 907. No free person of color can lawfully immigrate to or remain in this State, except where special permission is given by the Constitution and Laws of the State.

"Art. 908. When a free person of color, who is not specially permitted by law to reside in the State, is found within its limits, any magistrate may, from his own knowledge, or upon information given him by a credible person, issue his warrant for the arrest of such person of color."

The accused person was then sold at auction for a term of years, at the expiration of which time he was to leave the State under penalty of losing his freedom.

It sometimes happened that a free person of color claimed to be a white man, and if a jury on inspection decided that he should be admitted to that class, it was so ordered, but it was ever afterward whispered about that this or that person had negro blood in his veins. The question of caste was usually determined by a variety of evidence, such as the reception of the claimants into the society of white people; their non-payment of the tax imposed upon "free persons of color;" their service in the militia; their admission as witnesses; the fact that one had been called a mulatto; and the various *indicia* of race, such as color, hair, and physical formation.

In conclusion we must call attention to the fact that nowhere can we get a better understanding of a people's character than in their laws, "for their hopes, their fears, and their prejudices may be read there." Of no community is this more true than of those States of this Union in which slavery dragged out its existence; and although we naturally view with very great surprise the retrograde statutes and decisions which guided the actions of men in the nineteenth century under a government professing to be a republic, yet we must remember that such laws were the natural outgrowth of the idea and claim that the one race was the superior of the other. That was the balm with which the American slaveholder sought to soothe the pangs of conscience that came to him no less than to the ancient Roman and Greek.

Like them, too, he sought for a self-justification. The astounding doctrine was laid down that the destiny of the black man was to minister to the physical wants of the white man. With such a premise, it is not at all surprising that there was slowly reproduced in the New World a type of society strikingly similar to that which existed in the old during the palmiest days of feudalism—an aristocracy with all its characteristic virtues and vices, its romance and squalor, its glory and shame. B. J. R.